

IN THE SUPERIOR COURT OF WASHINGTON
FOR THE COUNTY OF KING

In the Guardianship of: _____) Case No.:
)
) ORDER APPOINTING:
) ☐ LIMITED
) ☐ FULL GUARDIAN OF PERSON
) AND/OR
) ☐ LIMITED
) ☐ FULL GUARDIAN OF ESTATE
An Incapacitated Person)
) (ORAPGD)
)
_____) (CLERK'S ACTION REQUIRED)

CLERK'S INFORMATION SUMMARY

Due Date for Initial Personal Care Plan: _____

Due Date for Inventory: _____

Due Date for Report and Accounting: _____

Name, Address and Telephone for Guardian/Attorney: _____

THIS MATTER came on regularly for hearing on a Petition for Appointment of
Guardian or Limited Guardian of _____, the Alleged
Incapacitated Person.

- ☐ The Alleged Incapacitated Person was present in Court;
- ☐ The hearing was conducted outside of the courtroom at the location of the Alleged Incapacitated Person;
- ☐ The Alleged Incapacitated Person's presence was waived for good cause shown other than mere inconvenience, as set forth in the file and reports in this matter;

The Guardian ad Litem was present. The following other persons were also present at the hearing: _____

The Court considered the written report of the Guardian ad Litem and the Medical/Psychological/ARNP Report, the testimony of witnesses, remarks of counsel, and the Documents filed herein. Based on the above, the Court makes the following:

I.

FINDINGS OF FACT

- 1. Notices:** All notices required by law have been given and proof of service as required by statute is on file. Notice, if required, was provided to the Regional Administrator of DSHS pursuant to RCW 11.92.150, but DSHS neither appeared at this hearing nor responded to the Petition.
- 2. Jurisdiction:** The jurisdictional facts set forth in the petition are true and correct, and the Court has jurisdiction over the person and/or estate of the Alleged Incapacitated Person.
- 3. Guardian ad Litem:** The Guardian ad Litem appointed by the Court has filed a report with the Court. The report is complete and complies with all requirements of RCW 11.88.090.
- 4. Alternative Arrangements Made By The Alleged Incapacitated Person:**

☐ The Alleged Incapacitated Person did not make alternative arrangements for assistance, such as a power of attorney, prior to becoming incapacitated.

☐ The Alleged Incapacitated Person made alternative arrangements for assistance, but such arrangements are inadequate in the following respects: _____.

☐ _____ has been acting in a fiduciary capacity for the Alleged Incapacitated Person and should NOT continue to do so for the following reasons:

- 5. Capacity:** The Alleged Incapacitated Person, _____, is

☐ incapable of managing their personal affairs

☐ incapable of managing their financial affairs

☐ the Alleged Incapacitated Person is in need of a full Guardianship over the

☐ person

☐ estate

☐ the Alleged Incapacitated Person is capable of managing some personal and/or financial affairs, but is in need of the protection and assistance of a limited Guardian of the

☐ person

☐ estate,

in the areas as follows: _____

6. Guardian: The proposed Guardian is qualified to act as Guardian of the Person and/or Estate of the Incapacitated Person. Proposed Guardian's address: _____

_____ and phone and fax numbers: _____ and e-mail address: _____

7. Guardian ad Litem Fees and Costs:

☐ The Guardian ad Litem was appointed at ☐ county ☐ estate expense and shall submit a motion for payment of fees and costs pursuant to the local rules.

The Guardian ad Litem has requested a fee of \$_____ for services rendered and reimbursement of \$_____ for costs incurred while acting as Guardian ad Litem. Fees in the amount of \$_____ and costs in the amount of \$_____ are reasonable and should be paid as follows:

☐ \$_____ by the Guardian from the guardianship estate and/or

☐ \$_____ by _____ for the following reason(s):

8. Bond: The assets of the Alleged Incapacitated Person:

☐ Total less than three thousand dollars (\$3,000) and therefore no bond is required.

☐ Are to be placed in a blocked account with an insured financial institution or are to be held by a bank or trust company, and therefore no bond is required.

☐ Are to be held by a nonprofit corporation authorized to act as Guardian, and the Court waives any bond requirement.

☐ Are in whole or in part to be held by the Guardian and bond in the amount of \$_____ is required.

9. Right to Vote: The Alleged Incapacitated Person

☐ is

☐ is not

capable of exercising the right to vote.

II.

CONCLUSIONS OF LAW

1. That _____ is an Incapacitated Person within the meaning of RCW Chapter 11.88, and a

☐ Full ☐ Limited Guardian of the Person (“Guardian of the Person”) and/or

☐ Full ☐ Limited Guardian of the Estate (“Guardian of the Estate”)

☐ Estate should be appointed; and that _____ is a fit and proper person as required by RCW 11.88.020 to be appointed.

2. That the powers of the Guardian and the limitations and restrictions placed on the Incapacitated Person should be as follows: _____

III.

ORDER

It is hereby ordered:

1. **Prior Power of Attorney:** Any Power of Attorney of any kind previously executed by the Incapacitated Person:

☐ is not canceled

☐ is canceled in its entirety

☐ is canceled in its entirety except for those provisions pertaining to health care.

2. **Appointment of Guardian:** _____ is appointed as

☐ Full ☐ Limited Guardian of the Person (“Guardian of the Person”) and/or

☐ Full ☐ Limited Guardian of the Estate (“Guardian of the Estate”)

of _____, and the powers of the Guardian and the limitation and restrictions placed on the Incapacitated Person shall be as set forth in Conclusion of Law 2.

3. Letters of Guardianship/Limited Guardianship: The Clerk of the Court shall issue letters of

☐ Full ☐ Limited Guardianship of the Person and/or

☐ Full ☐ Limited Guardianship of the Estate to

_____, upon the filing of an oath and

☐ a Guardianship bond in the amount of \$_____ or

☐ bond is waived.

If bond is waived, the Guardian is required to report to the Court if the total assets of the Incapacitated Person reaches or exceeds Three Thousand Dollars. Pursuant to RCW 11.88.100, the Guardian of the Estate shall file a yearly statement showing the monthly income of the Incapacitated Person if said monthly income, excluding moneys from state or federal benefits, is over the sum of Five Hundred Dollars per month for any three consecutive months.

4. Report of Substantial Change in Income of Assets: Within 30 days of any substantial change in the Estate's income or assets, the Guardian of the Estate shall report to the Court and schedule a hearing. The purpose of the hearing will be for the Court to consider changing the bond or making other provision in accordance with RCW 11.88.100.

5. Inventory: Within three months of appointment, the Guardian of the Estate shall file a verified Inventory of all the property of the Incapacitated Person, which shall come into the Guardian's possession or knowledge, including a statement of all encumbrances, liens and other secured charges on any item. A review hearing upon filing of the inventory

☐ is required.

☐ is not required.

6. Disbursements: On or before the date the Inventory is due, the Guardian of the Estate shall also apply to the Court for an Order Authorizing Disbursements on behalf of the Incapacitated Person as required by RCW 11.92.040.

7. Personal Care Plan: The Guardian of the Person shall complete and file within three (3) months after appointment a Personal Care Plan which shall comply with the requirements of RCW 11.92.043(1).

8. Status of Incapacitated Person: Unless otherwise ordered, the Guardian of the Person shall file an annual report on the status of the Incapacitated Person that shall comply with the requirements of RCW 11.92.043(2).

9. Substantial Change in Condition or Residence: The Guardian of the Person shall report to the Court within thirty (30) days any substantial change in the Incapacitated Person's condition, or any change in residence of the Incapacitated Person.

10. Designation of Standby Guardian: The Guardian shall file a written designation of a standby Guardian that complies with the requirements of RCW 11.88.125.

11. Authority for Investment and Expenditure: The authority of the Guardian of the Estate for investment and expenditure of the ward's estate is as follows:

12. Duration of Guardianship: This Guardianship shall continue in effect:

[] until _____ [date]; OR

[] until terminated pursuant to RCW 11.88.140;

[] the necessity for the Guardianship to continue shall be periodically reviewed.

13. Discharge/Retention of Guardian ad Litem:

[] The Guardian ad Litem is discharged; or

[] The Guardian ad Litem shall continue performing further duties or obligations as follows:

14. Notice of Right to Receive Pleadings: The following persons are described in RCW 11.88.090(5)(d), and the Guardian shall notify them of their right to file with the Court and serve upon the Guardian, or the Guardian's attorney, a request to receive copies of pleadings filed by the Guardian with respect to the Guardianship:

Name

Address

15. Guardian Fees:

☐ DSHS cases: The Guardian is allowed such fees and costs as permitted by the Washington Administrative Code. The Guardian may petition for additional fees upon notice to DSHS; OR

☐ Non-DSHS cases: The Guardian shall petition the Court for approval of fees. The Guardian may advance itself \$_____ per month subject to Court review and approval.

16. Guardian ad Litem Fee:

☐ Fees and costs are approved as reasonable; OR

☐ The Guardian ad Litem fees and costs are approved as reasonable in the total amount of \$_____. They shall be paid from ☐ the Guardianship estate assets,

☐ Spokane County, OR ☐ other source(s) as follows: _____.

17. Legal Fees: The legal fees and costs of _____ are approved as reasonable in the amount of \$_____, and shall be paid from the

☐ Guardianship estate assets OR

☐ other source(s) as follows: _____.

18. Guardian's Report: The Guardian's report shall cover the

☐ 12 (twelve) month

☐ 24 (twenty-four) month or

☐ 36 (thirty-six) month

period following the appointment. The Guardian's report is due within 90 days of the end of the reporting period and shall comply with the requirements of RCW 11.92.040(2).

DATED AND SIGNED IN OPEN COURT THIS _____ DAY OF _____, 200____.

Judge/Court Commissioner

Presented by:

Signature of Attorney

Printed Name of Attorney, WSBA/CPG #

Address

Telephone/Fax Number

City, State, Zip Code

Email Address

Copy received and approved by:

Guardian ad Litem